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Wendy Rosinski, Town Clerk

WORKSHOP MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday September 19, 2019

CALL TO ORDER TIME: 5:30 pm

PLEDGE OF ALLEGIANCE

ATTENDANCE **Present:** Fred Pizzuto (Chair), Scott McCarthy (Vice-Chair), Lawrence Hammond, Carl DiLorenzo, Charly Long, Franco Zani, Lambros Violaris (Alternate), Laura Oddo-Kelly (Administrative Assistant To Planning and Zoning), Rob Stout (Land Use Attorney), Andrew Learn (Town Engineer).
Absent: Sal Cuciti, David Barton (Building Department Director), Claire Winslow (Town Board Liaison)

ANNOUNCEMENTS: GENERAL, NO SMOKING, LOCATION OF FIRE EXITS; ROOM CAPACITY IS 49, PURSUANT TO NYS FIRE SAFETY REGULATIONS. PLEASE TURN OFF ALL CELL PHONES.

New Public Hearings

Costantino, Paul and Joanne, 30 Bellevue Rd, SBL # 88.17-2-13.100.

Applicants are proposing a lot line revision to add a vacant 0.83 acre parcel of land to their single family residential lot. The acreage is topographically separated from the residence on adjoining lands of Diana & Paul Costantino and Kathleen Kouri and has been used and maintained by the applicants. The lot line revision will allow for the continued maintenance of the Hudson River viewshed on the applicant's parcel.

As a Type II Action, no review of the Short EAF was required.

The Planning Board set the public hearing on 08.22.19 for the 09.26.19 meeting.

On September 18th, 2019, the Board was presented with information on a discrepancy with boundry lines depicted on the maps from neighboring property owner Joseph Anzelone. Brooks and Brooks, applicant's representative, advised the Board that the boundry lines will be consistent with a 2014 Supreme Court decision in the final maps to be submitted at this meeting. Sue Demskie, applicant's representative, was present to convey that the maps would be revised so it would be consistent with the court decision.

D and D Auto Supply, 3537 Route 9W, SBL# 88.69-3-12.100 in GB Zone.

Applicant is seeking commercial site plan approval to construct a 3600 square foot free standing storage building on their property located at the intersection of Woodside Place and Route 9W (SBL# 88.69-3-12.1). Applicant was granted two area variances to permit maximum lot coverage of 67% and a rear yard setback on May 9, 2019 by the ZBA. Variances were granted with the recommendation that the building face along Woodside Place should have features consistent with the residential character of the neighborhood.

The Board requested revised siteplan with elevations 08.15.19 and received them 08.22.19. The Planning Board reviewed the EAF, issued a negative declaration and set the public hearing on 08.22.19 for the 09.26.2019 meeting.

Sue Demskie, applicant's representative, was present.

No new information.

Old Business

GlidePath Power Solutions, Route 9W, 88.1-3-3.200 in LI Zone

Applicant is seeking commercial site plan approval for a lithium battery energy storage system facility at the intersection of 9W and Route 299 that will provide capacity and ancillary services to the regional electric grid.

Applicant will present preliminary site plan and SWPPP.

Dave Young, applicant's representative, was present to discuss with the Board the updated site plan maps and SWPPP he brought with him on the proposed project. He said the site plan has been amended to meet the recent adoption of energy storage system regulations prepared by NYSERDA. As a reaction to the new regulations the client would like to revise the site plan to include 40 separate containers instead of a single building. The containers are about the size of a tractor trailer or shipping container which are 40 feet long, 8 feet wide and 8 ½ feet high and will be arranged in two rows of 20. There will be a loop road which fits the site very well because of the way the site drains. There will be no wetland impacts and basically it will be a fenced enclosure.

Pizzuto asked how high the fence would be.

Young said it would be 6 feet high with a three strand barbed wire on the top. There will be an unmanned gate and the transfer facility where the project sends its electricity to the Central Hudson facility and in turn it would be sent out to the Lumen Lane cul de sac.

Zani asked what the code is for shipping containers.

Chief Miller said he would like to do some research before he comments.

McCarthy asked what the purpose was for changing the building into shipping containers.

Young said it is mostly for safety.

McCarthy asked what type of batteries will be stored at the facility.

Young said lithium ion and they don't leak. If anything happened it would be contained in each individual cell.

Zani asked what would happen if there was a thermal overload.

Young said the Glidepath representatives will answer that next week but he added that that is a rare occurrence. There are a number of the facilities throughout the country and they have never had a thermal overload situation but there is always the possibility.

McCarthy asked what the criteria is for taking care of that kind of situation so if needed the Town of Lloyd Fire Department would be equipped to do so.

Young said as part of their application they will be submitting a fire safety plan. They will additionally offer ongoing training to the firefighters. He said the trailers will have access doors. If there is a problem they can just pull out that particular module.

DiLorenzo inquired about security.

Young said there will be no one there but monitored with cameras 24 hours a day and police will be called if anything were to happen.

DiLorenzo asked how secure the containers were.

Young said they are inside the fence.

McCarthy said he is concerned with security.

DiLorenzo said he would like to see a model of the proposed project.

McCarthy asked if the connections to all the pods were underground.

Young said yes.

Zani inquired about a plan of containment because he is concerned about the wetlands that are on the parcel.

Young said they are currently developing a plan. Each container will have a bottom tray.

Learn said he was concerned about fire fighting.

Chief Miller said he would like the information on it from an existing storage facility in the area.

Young said he would get that information from the closest existing facility in Pennsylvania.

McCarthy asked who is paying the firefighters to learn a new procedure for the facility. He said it should not fall on the taxpayers to pay for it.

Young said that would be a question for Glidepath.

McCarthy asked Young to obtain that information from Glidepath.

Young said the batteries can be fought with just water.

Zani asked if Town water would be supplied up to the site with hydrants.

Young said they were not looking at that right now but they could.

Chief Miller said they should have water there.

Zani asked Learn how he felt about extending the water main.

Learn said if the Chief thinks it's a good idea for firefighting then he would have to agree.

New Business

Cusa, Sal, North Road, SBL# 88.1-4-8.225, in R 1/2 Zone.

Applicant is seeking subdivision approval proposing to divide lot SBL# 88.1-4-8.225 into 5 lots for single family residences.

Barry Medenbach, applicant's representative, was present to give an overview of the project. He said it is a pretty straightforward subdivision with 5 lots proposed with frontage on North Road. There is water and sewer to the parcels.

The Board reviewed the maps.

Zani said there are some issues with the water and sewer.

Learn said the project should defer to the Water and Sewer Committee. He said that parts of the property are steep grade wise.

Pizzuto said the Board will need topography maps.

Hammond said the maps should have topography.

Medenbach said they could submit them. He felt there are only mild grades on the property.

There was a discussion of the topography.

Zani said Medenbach or an associate should come to the next Water/Sewer Committee meeting on October 3rd.

Learn said he would like to see topography maps and driveway plans. He is also concerned with the easements.

Zani said the applicant needs to meet with The Water and Sewer Committee at their next meeting with a utility plan and drainage plan.

Pizzuto said when they make the revisions then come back to the Planning Board.

Joyful Moments Childcare, LLC, 620 New Paltz Rd, SBL # 87.10-6-6, in R ½ Zone.

Applicant is seeking a special use permit to relocate a childcare business to a new location.

Eboni Cook, applicant, was present and explained to the Board what the proposed project is of relocating to a different location. She said she does not have a site plan, only a land survey.

Learn said they need a plan for the parking.

Zani asked how many children would be at the location.

Cook said at the new location they would like to have at least 85 children per day.

Zani said that was a lot and would produce a lot of traffic.

Cook said they are in the process of purchasing the building. There is septic and well on the property. Lou DuBois is doing the site plan but waiting for them to be located first.

She hopes to present the site plan next week.

Long said he has never been able to locate the septic there and they need to in order to find out the capacity.

Zani said the Health Department requirement is that the septic should be at least 10 feet from the building.

Learn said they would need parking calculations and markings for traffic patterns. He said he had concerns for the capacity of water and sewer and they would have to defer to the Health Department for that.

Law, Ryan, 65 Hawleys Corners Road, SBL# 79.4-1-12.200, in R1 Zone.

Applicant is seeking a special use permit to allow an accessory apartment in part of a detached garage to be constructed in the front yard of his parcel. Applicant is seeking an area variance simultaneously from the ZBA to construct the building in the lower front yard.

Applicant was not present. No new information.

Stewart's Shops Corp, 3733 Route 9W, SBL# 96.9-1-33.100, in HBD Zone.

Applicant is seeking commercial site plan approval proposing a new typical Stewart's Shops convenience store (3,850 sq.ft) with self-service gasoline.

Ryan Rubado, Drafter/Project Coordinator and applicant's representative, was present to give an overview of the proposed project. He said they are looking for right in and right out access off of Route 9W, access off of South Chapel Hill Road and Chapel Hill Road.

The Board reviewed CPL's final review for the applicant.

Rubado explained what materials they would use for the building.

Learn said he had a concern for South Chapel Hill Road access and traffic because it is residential.

DiLorenzo said there are many proposed projects in the area and is worried about the impact.

Learn said his office is working on the water/sewer feasibility study and will make a recommendation.

Learn said they may need a variance for coverage and parking.

Informal Discussion

Golden View II, Senior Housing Complex, Argent Drive, SBL# 96.29-3-3.100.

Justin Dates, Maser Consulting and applicant's representative, was present to give an overview of the proposed project. Dates said he believes the applicant may still has an open application with the building department and they are looking to start advancing on the project with the Board and work towards the approvals. the proposed project would be a 57 unit single bedroom senior housing complex. The is an exisitng Golden View on Argent Drive where they would also like to locate the proposed project. They are additionally looking to extend municipal water and sewer and the parking would be about 86 spaces; 68 built out and the remainder land banked. A full SWPPP would have to be prepared and a potential connection to the Franny Reese Trail. Learn said they need to submit a formal application and turning templates for fire trucks. Fire access would have to be researched.

Zani asked if they would have to look at the pump station for the increased flow.

Learn said yes. At this point they need to submit a formal application.

Discussion

Scott McCarthy lead a discussion on High Bridge and the issues of meeting the conditions of their approval.

Pizzuto said there are several conditions that have not been met such as sidewalks and the cutting of trees.

There was a discussion of the bond.

McCarthy said he would entertain a motion to taking some of the bond and paying for someone else to work on the work that High Bridge has done yet which were conditions of their approval and were supposed to be completed already.

Stout said they have to work through the building inspector because it is an enforcement matter. It needs to be coordinated through enforcement and the Town Board.

McCarthy said they are not supposed to make a left hand turn out of the site and he knows for sure there are left hand turns being made. He suggested to contact the Town Board or Supervisor's office to put up signs stating that it is not allowed because it is extremely dangerous.

Pizzuto agreed and stated the visibility to make a left hand turn is zero.

Chief Miller agreed.

Zani asked for a list of work not yet completed with some sort of cost to each item. He said if they are not willing to complete what needs to be done, then take it out of the bond money.

Stout reiterated that they have to work through the building inspector because it is an enforcement matter and it needs to be coordinated through enforcement and the Town Board.

McCarthy said this is the starting point and if nothing happens then it goes to the Town Board.

Pizzuto asked Stout to provide the Board with more information on LLC's.

McCarthy inquired about Forever Green Properties. He wanted to know how such a property did not remain Forever Green and was able to be purchased.

Stout said he would need all the historical information before it can be answered.

Pizzuto said that information could be supplied in the next week or so.

Chief Miller said there is information in the book that it was starting to be recorded and then changed.

McCarthy commented and asked why would that information be changed.

Chief Miller said some of the information was created in the Hudson Hills area before the use of computers. The intent of what the Planning Board viewed at that point in time is more important than what the verbage is. If it is deemed today that it was written wrong in 1978, the intent was that it was supposed to be a "green area" or "forever green". Those areas were supposed to be turned over to the Town and six of them were and two of them were given back. If you purchase a house and are told that no one can build next to it because it's a green area and then all of a sudden its allowed to be built on is not acceptable.

McCarthy said if it was originally meant to be green forever then that's the way it should stay.

Chief Miller said he bought his house because he was told nothing would ever be next to it. The first time they started to do surveys for a proposed project they were going to put a highway 15 feet from my house and things started to change when they knew I was very upset about it. What Im talking about is part of the current project being proposed.

McCarthy said its on the record now of what needs to be done or what had happened there.

Chief Miller said if there is intent for the project to go where it goes, as far as the people who live on that side of Hudson Hills B, that there's mitigation that satisfies those people to insure that they're not abused because of whatever is being done to or the project take advantage of their site and abuse the people who live there. The other piece that was off of Apple Lane, people who purchased there, based on the literature that came out from Highland Hills were probably all convinced, as I was, that there would never be anything built behind them.

McCarthy said he believes there are a lot of properties in Highland that has happened to. He additonally asked about the cul de sac and the length of it.

Hammond said he went through the Town Code Book and says that the maximum length of the cul de sac is six times the minimum frontage of the building lot. So, if it's a 100 foot building lot, 600 feet would be the maximum distance of the cul de sac. There is also a provision that the Planning Board can change that and go up to a maximum of 1250 feet. He added that is why he's been hollering all along that it is not a legal cul de sac that they're building.

DiLorenzo said the idea was that they were going to get this other road that is needed. He added that they are looking at a project they really shouldn't be looking at until they establish the ingress and egress.

Hammond said a project of this size should have three.

McCarthy commented that the proposed project should have all the answers prior to even coming to the Planning Board.

Hammond said they are spending money on something that may not be able to be approved.

Pizzuto said the Board will continue the conversation next week.

Chief Miller said if the proposed project is able to attain a right of way property that exits on to Vineyard Avenue, that would that solve the cul de sac problem but we have to look at the point of Mayer Drive is already an excess of grade. If they come off of Vineyard it would also be an excess of grade.

McCarthy said you would need four wheel drive fire trucks.

Hammond asked if the grade level pulling into Mayer Drive is legal.

Chief Miller said no.

Hammond asked then why can we put a more illegal area.

Zani said they are looking at another property on Route 9W.

Hammond said right now they are spending money on a project that couldn't possibly be approved.

Stout said the code allows to approve with exceptions but the applicant runs the risk of not being approved.

Chief Miller said his objections to only two entrances, emergency or otherwise, are their proximities.

Hammond said how well maintained would be the emergency exit. If it's never used, then he believes it would not be.

A **Motion** to adjourn was made by Larry Hammond, seconded by Franco Zani, 6:57PM. All ayes.